

October 11, 2023

Administrator Michael Regan  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dear Administrator Regan,

We write to urge the Environmental Protection Agency (EPA) to grant the California Air Resources Board's (CARB) request from September 2022, in which CARB submitted an authorization request to EPA pursuant to section 209(e) of the Clean Air Act for its 2020 Amendments to the Ocean-going Vessels At-Berth Regulation. The 2020 At-Berth Regulation is essential to reducing air pollution in California and protecting the health of millions of the State's communities who are most impacted by emissions from diesel-powered ships.

Goods movement, including port operations, is one of the leading contributors to California's notorious air pollution problems. The state has a total of twelve ports, including the largest port complex in the nation, the San Pedro Bay Ports. The equipment needed to facilitate this goods movement ecosystem, such as trucks, locomotives, and ships, primarily operate on diesel fuels and emit harmful air pollutants. Of all port sources, oceangoing vessels are responsible for the largest share of pollution from port operations.

Californians, especially our portside communities who bear disproportionate health burdens, deserve immediate relief from this pollution. EPA is essential to delivering this relief by granting CARB's authorization request for the 2020 At-Berth Regulation, which is projected to reduce cancer risk for more than 2.4 million people living near the Ports of Los Angeles and Long Beach and more than 14,000 people living near the Port of Richmond.<sup>1</sup>

Emission reductions attributable to the 2020 At-Berth Regulation is estimated to prevent 237 premature deaths, 75 hospitalizations, and 122 emergency room visits from 2021 to 2032.<sup>2</sup> These health benefits, much of which will be felt by environmental justice communities, are valued at approximately \$2.32 billion.<sup>3</sup>

EPA has an opportunity to bring about significant emission reductions in California and partially alleviate the harmful health impacts associated with at-berth pollution by granting an authorization for the 2020 At-Berth Regulation. The agency must do so as soon as possible. A year has passed since California submitted its request, and the delay in EPA's authorization is already having grave impacts. Implementation of the 2020 At-Berth Regulation began this year and requires at-berth emission reductions for additional visits of already-covered vessel categories at California ports. CARB projected that compliance from these additional vessel

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<sup>1</sup> At-Berth ISOR, ES-16.

<sup>2</sup> California Air Resources Board, Attachment D: Update to the Health Analyses: Control Measure for Ocean-going Vessels At Berth (July 10, 2020), D-5, [At Berth 2nd 15-Day-Att D - Health Outcomes \(ca.gov\)](#)

<sup>3</sup> *Id.* at D-5.

visits alone would reduce NOx emissions statewide by 1.5 tons per day in 2023.<sup>4</sup> These reductions are at risk without EPA's timely issuance of an authorization. Due to the administrative delay in receiving its authorization, CARB is currently allowing terminal and vessel operators to comply with its previous regulation adopted in 2007, rather than the more health-protective 2020 rule.<sup>5</sup>

To ensure that Californians receive the health benefits that they were promised under the 2020 At-Berth Regulation, we urge EPA to issue the authorization for California's 2020 At-Berth Regulation before October 31, 2023. Thank you for your consideration.

Sincerely,

  
Nanette Diaz Barragán  
Member of Congress

  
Alex Padilla  
United States Senator

  
Mark Takano  
Member of Congress

  
Jared Huffman  
Member of Congress

  
Katie Porter  
Member of Congress

  
Sydney Kamlager-Dove  
Member of Congress

<sup>4</sup> California Air Resources Board, Second 15-Day Notice, Attachment C: Second Updates to Appendix H: 2019 Update to Inventory for Ocean-Going Vessels At Berth: Methodology and Results, at C-8 (July 2020).

<sup>5</sup> California Air Resources Board, Ocean-Going Vessel At Berth Regulation Enforcement Notice, Mar. 30, 2023, <https://ww2.arb.ca.gov/sites/default/files/2023-03/At%20Berth%20Enforcement%20Notice%20-%20March%2030%202023.pdf>.



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Barbara Lee  
Member of Congress



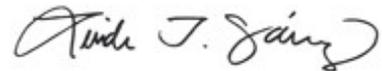
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Kevin Mullin  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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Linda T. Sánchez  
Member of Congress



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Zoe Lofgren  
Member of Congress



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Josh Harder  
Member of Congress



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Grace F. Napolitano  
Member of Congress



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Robert Garcia  
Member of Congress



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Juan Vargas  
Member of Congress



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Ted W. Lieu  
Member of Congress

cc: Governor Gavin Newsom